

September 25, 2020

Hon. Peggy Kuo
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

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Re: *NOVAGOLD Resources Inc. v. J Capital Research USA LLC*, No. 20-cv-02875-LDH-PK; Plaintiff's Proposed Discovery Plan/Scheduling Order

Dear Magistrate Judge Kuo:

Out of an abundance of caution, Plaintiff NOVAGOLD Resources Inc. hereby submits its Proposed Discovery Plan/Scheduling Order. Plaintiff appreciates that Defendant J Capital Research USA LLC's Motion to Stay Discovery remains pending and will be discussed at the Initial Conference that will take place as scheduled on September 30, 2020 (following Your Honor's Order from earlier today). However, the Court's June 30, 2020 Initial Conference Order, Dkt. 6, requires that the Discovery Plan/Scheduling Order be filed five days prior to the Initial Conference, which is today. Plaintiff provided its draft Discovery Plan/Scheduling Order to Defendant's counsel for comment both in advance of the Rule 26(f) conference – which occurred on September 16, 2020 – and also in advance of this filing.

It is Defendant's position that, because its pending Motion to Stay seeks deferral of the obligations in the Discovery Plan it would defeat the purpose of its Motion to submit a discovery plan at this time. It is likewise Defendant's position that the exchange of initial disclosures and submission of a confidentiality agreement prior to argument on the motion to stay is premature. For this reason, Plaintiff's Proposed Discovery Plan/Scheduling Order proposes dates for the exchange of initial disclosures and submission of a confidentiality agreement for two days after the Initial Conference rather than prior to the Conference. Defendant has stated that it will be prepared to discuss the Motion to Stay at the Initial Conference, will act according to the Court's guidance following Your Honor's ruling on that motion, and it objects to Plaintiff's submission of its Proposed Discovery Plan/Scheduling Order.

In an attempt to comply with the Court's June 30, 2020 Initial Conference Order, while also acknowledging the pending nature of Defendant's Motion to Stay, Plaintiff submits its Proposed Discovery Plan/Scheduling Order.

Respectfully,
/s/ Jonathan Rubenstein
Jonathan Rubenstein